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TAGS: [PREL](#) [PHUM](#) [KWBG](#) [IS](#)
SUBJECT: WHY THE GOLDSTONE REPORT MATTERS SO MUCH TO ISRAEL

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Classified By: Charge d'Affaires Luis G. Moreno, Reason 1.4 (b) (d)

¶1. (C) Summary. The Israeli leadership is deeply alarmed by the Goldstone Report on many levels. Their initial reaction was to deplore the report for accusing much of Israel's military and political leadership of intentionally targeting the civilian population of Gaza during Operation Cast Lead, equating the IDF with Hamas, and dismissing the ability of Israel's military justice system to produce credible investigations. After more careful analysis, however, they concluded that not only does the report potentially lead to criminal prosecution of Israel's top military commanders, Defense Minister Barak and the civilian leadership of the previous government, but it also represents a deliberate attempt to deny Israel the ability to use force in the future against terrorist organizations that hide among civilian populations. From their perspective, the main point is that they cannot allow their hands to be tied in this fashion. PM Netanyahu told Israeli television last week that in New York he plans to ask world leaders to condemn the report, adding that NATO countries and Russia in particular should understand the implications for their military actions to fight terrorism. Foreign Minister Lieberman has suggested that the Goldstone Report returns Israel's relations with the UN to the level that existed when the General Assembly voted to equate Zionism with racism. The GOI insists that the dozens of investigations already conducted or still underway by the IDF's investigative process meet international standards, and cite various third country court decisions upholding the credibility of the Israeli legal process. At the same time, informed sources tell us that they have heard that the highest levels of the GOI have ordered an internal review of the command investigations undertaken immediately after Cast Lead. MFA Deputy Legal Adviser Taub told PolCouns that a number of investigations have been opened into incidents mentioned in the Goldstone report that had not already been investigated. End Summary.

¶2. (C) The GOI and Israeli public opinion anticipated that the Goldstone Report would be sharply critical of Israel. Before the report's release, they justified the decision not to cooperate with the Fact-Finding Commission because of the clear bias in the mandate the commission received from the Human Rights Council. Their initial reaction was in keeping with their expectations. They argued that the Goldstone Report was profoundly flawed and biased in that it did not consider the context of Hamas rocket attacks that led to Cast Lead, accused Israel of intentionally targeting the civilian population of Gaza, and dismissed the credibility of the dozens of investigations launched by the IDF's military

justice system immediately following the operation.

¶3. (C) As they considered further the implications of the Report, however, the level of their concern rose dramatically. The Report's recommendations threaten criminal action against Israel's top military leadership who were involved in planning Cast Lead, as well as Defense Minister Barak (who also held that position in the previous government), former Prime Minister Olmert, and former Foreign Minister Livni among others. Beyond the possibility of criminal proceedings, they concluded that the Report represents an effort to deny Israel the ability in the future to take military action to defend itself from attack by Hamas in Gaza and Hezbollah in Lebanon, both of which seek to thwart Israeli attack by basing themselves inside heavily populated civilian areas. In television interviews just before the Jewish new year, Prime Minister Netanyahu said that in his meetings with world leaders in New York, he would insist that they condemn the report and act to block its consequences now. Arguing that the credibility of international promises to support Israel's right to self-defense were at stake, Netanyahu suggested that it would be impossible for Israel to consider a further withdrawal from the West Bank if the international community failed to reject Goldstone's report. Netanyahu noted that the report did not threaten only Israel's right of self-defense, but could prevent NATO countries and Russia, among others, from fighting terrorism. Israel's relations with the UN system are also on the line. Foreign Minister Lieberman commented that the report had the potential to return Israeli-UN relations to their lowest point, the 1974 General Assembly vote equating Zionism with racism.

¶4. (C) An interagency GOI booklet entitled "The Operation in Gaza: Factual and Legal Aspects" reports that the military justice system has conducted or is conducting investigations of about 100 separate complaints stemming from Cast Lead. These include the five field investigations of major incidents such as strikes on UN facilities and incidents that resulted in numerous civilian casualties, as well as dozens of more routine criminal investigations. MFA deputy legal adviser Daniel Taub told PolCouns September 17 that the IDF is now considering opening new investigations of several incidents mentioned in the Goldstone Report of which they were not previously aware. Informed contacts also tell us that they have heard that the most senior levels of the GOI have ordered the IDF to launch an intensive review of the field investigations to ensure that they were properly conducted. We expect the GOI to reject, however, any outside demand for additional investigations.

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